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U.S. Department of State

Seychelles Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

SEYCHELLES

President France Albert Rene and his Seychelles People's Progressive Front (SPPF) have governed since a 1977 military coup. In the 1990's, the SPPF guided the return to a multiparty political system, which culminated in July 1993 in the country's first free and fair presidential and parliamentary elections since 1977. President Rene was continued in power, and the SPPF won 27 of the 33 National Assembly seats, 21 by direct election and 6 by proportional representation. Despite the elections, the President and the SPPF continued to dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary's independence has been questioned. The Constitution was amended in 1995 to allow for the appointment of a vice president. The judiciary is inefficient, lacks resources, and is subject to executive interference.

The President has complete control over the security apparatus, which includes a national guard force, the army, and the police. There is also an armed paramilitary Police Mobile Unit. There were several credible reports that the security forces abused persons in custody.

The economy provides the country's 75,000 residents an average per capita income of more than \$6,000 per year and generally adequate social services. The Government has successfully begun to diversify the economy and move it away from its heavy reliance on tourism. Revenues from fishing rights and fish processing have grown sharply in recent years. Overall growth has remained sluggish, however, due largely to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. Progress toward privatization has been slow. The Seychelles' application to join the World Trade

Organization has forced it to consider reforming its trade and foreign exchange regimes, but it has made few substantive changes to date.

The human rights situation continued to improve, and the Government generally respected the rights of its citizens. However, despite parliamentary formalities, the President continued to wield power virtually unchecked. Security forces used excessive force in a few instances, although police brutality was not widespread. The authorities investigated complaints of police abuse. Violence against women and child abuse remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly forbids torture, but there have been instances of excessive use of force by police. The authorities have investigated and punished offenders in the past.

Conditions at Long Island prison are Spartan. Family members are allowed monthly visits, and prisoners have access to reading but not writing materials.

There is no regular system of independent monitoring of prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons arrested must be brought before a magistrate within 24 hours. This provision is applied in practice to the extent possible, with allowances made for boat travel from distant islands. The National Assembly approved legislation that provided for detention without charge for up to 7 days if authorized by court order. Detainees have access to legal counsel, and free counsel is provided to the indigent. The law provides for judicial review of the legality of detention, and bail is available for most offenses. Some defense attorneys assert that extended periods of detention under harsh conditions are used to extort confessions from suspects.

Several persons have brought civil cases against the police for unlawful arrest or entry, with limited success.

There were no cases of forced exile. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they immediately leave the country. A number of these former exiles who returned were able to reacquire their property, but the majority have not. There were some instances in which the Government rejected valid compensation claims for confiscated properties of returning exiles, apparently for political reasons.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it is inefficient, lacks resources, as is subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal.

Criminal cases are heard by a magistrates' court or the Supreme Court, depending on the gravity of the offense. A jury is used in cases involving murder or treason. Trials are public, and the accused is considered innocent until proven guilty. Defendants have the right to counsel, to be present at their trial, to confront witnesses, and to appeal. However, there are few well-trained lawyers. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes twice per year to consider appeals from the Supreme Court and Constitutional Court only.

Defendants generally have the right to a fair trial. All judges are appointed for 5 years, and can be reappointed by the Constitutional Appointment Committee. All were hired from other British Commonwealth countries, and none is Seychellois. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal organs of the Government, such as the Attorney General's office and the Ombudsman, are reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy and freedom from arbitrary searches. The law requires a warrant for police searches, and the authorities generally respected this requirement in practice. The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and be approved by a judge. The Government maintains telephone surveillance of some political figures.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and are at a disadvantage when applying for government licenses and loans.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, but it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health." Both freedom of speech and the press are thus constrained by the ease with which civil lawsuits can be filed to penalize journalists for alleged libel. In most instances, citizens speak freely, including in Parliament.

The Government has a near monopoly in the media, owning the only television and radio stations, the most important means for reaching the public, and The Nation, the only daily newspaper. The official media adhere closely to the Government's position on policy issues and give the opposition and news adverse to the Government only limited attention. While both opposition parties publish an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, is in circulation. Government officials have sued Regar for libel seven times in the last 4 years, including

once in 1997. A second weekly, *The Independent*, ceased publication in 1995 after losing a libel suit brought by a government official.

Academic freedom is limited since, for example, one cannot reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teachers are largely apolitical. The Government controls access to the Polytechnic, the most advanced learning institution, and public school graduates wishing admission are given preference based on their participation in the National Youth Service (NYS), a year-long program that emphasizes educational instruction, although in the past it has stressed paramilitary training and SPPF ideology.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement, and there was no known abridgment of domestic or international travel. Although it was not used to refuse a passport application, the 1991 Passport Act allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." There were no known requests for asylum and no refugees in the Seychelles.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens freely exercised the right to change their government in the July 1993 national assembly and presidential elections, which were judged by international and national observers to have been free and fair. However, President Rene and the SPPF dominated the electoral process and continued to rule--as they have since 1977. The elections served to provide a voice to other parties.

The President's SPPF party has utilized its political resources and those of the Government to develop a nationwide organization that extends to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations.

The main opposition party, the Democratic Party, is led by Sir James Mancham, the country's first elected president, who was forced into a 15-year exile in 1977. Mancham was reelected president of the Democratic Party by acclamation at a controversial party convention in March. Critics of Mancham alleged that his ties to the ruling SPPF were too close and that he discouraged his own party members from criticizing the Government.

There are no legal restrictions on the participation of women or minority groups in politics. Women hold 2 of the 11 ministerial positions and 8 of the 33 seats in the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no private groups devoted exclusively to investigating human rights practices. However, both

the churches and some nongovernmental organizations have been strong voices for human rights and democratization, and the Government has not interfered with their activities. There were no known requests by international human rights groups to visit the Seychelles.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not specifically prohibit discrimination based on these factors. In practice, there is no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnic, national, or religious identification.

Women

Violence against women, particularly wife beating, remains a problem. Police seldom intervene in domestic disputes, unless the dispute involves a weapon or major assault. The few cases that reach a prosecutor are often dismissed, or, if a case reaches court, the perpetrator is usually given only a light

sentence. There is growing societal concern about domestic violence and increased recognition of the need to address it.

This society is largely matriarchal, and women have the same legal, political, economic, and social rights as men. There is no officially sanctioned discrimination in education or employment, and women are well represented in politics and business.

Children

Children have legal protection from labor and physical abuse and are required to attend school. Free public education is available. In June 1995, the Government created an institutional framework for aiding children.

Sexual abuse of young girls, usually in low-income families, is a serious problem. While complete statistics are not available, Ministry of Health data and press reports indicate that there are a significant number of rapes committed against girls under the age of 15. Very few child abuse cases are actually prosecuted in court. The strongest public advocate for young victims is a semiautonomous agency, the National Council for Children, not the Government. There is criticism that the police fail to investigate charges of child abuse with vigor.

People with Disabilities

The Government does not discriminate against people with disabilities in housing, jobs, or education. However, there is no legislation providing for access to public buildings, transportation, or government services. The Government has promised the International Labor Organization (ILO) that it would implement a law providing for more jobs for disabled workers.

National/Racial/Ethnic Minorities

The education gap between Creoles and Seychellois of white or Asian origin is narrowing. The Government is attempting to reduce this gap through universal access to public education.

Section 6 Worker Rights

a. The Right of Association

Under the 1993 Industrial Relations Act (IRA), workers have the right to form and join unions of their choosing. Police, military, prison, and fire-fighting personnel may not unionize. Under the act, the former government-controlled union, the National Workers Union, lost its monopoly position.

There are currently four registered unions: Two dominated by the SPPF and two independents. An attempt to organize an independent union incorporating employees from both governmental ministries and government-owned entities was thwarted by government legal action.

Unions can freely affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The IRA provides workers with the right to engage in collective bargaining. However, in practice free collective bargaining does not normally take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There is little flexibility in the setting of wages. In the public sector, which employs about 60 percent of the labor force, the Government sets mandatory wage scales for employees. Wages in the private sector are generally set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales are subject to the Government's right of review and approval. Private employers historically have paid higher wages than the Government in order to attract qualified workers. However, economic problems during the year led to downward pressures on wages.

The law prohibits antiunion discrimination by employers against union members. Independent unions allege that their members in the public sector have encountered discrimination on the job because of their affiliation with non-SPPF unions.

The Employment Acts of 1987 and 1995 constitute the basic labor law. They authorize the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers have frequently obtained recourse against their employers through the Ministry.

The Government plans to inaugurate an export processing zone in early 1998.

There are no export processing zones, but the Government is actively attempting to create one.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and it is not known to exist.

d. Status of Child Labor Practices and Minimum Age for Employment

The Government does not prohibit forced and bonded labor by children, but such practices are not known to occur.

The minimum age for employment is 15 years, and children are encouraged to attend school until the 10th grade or the age of 17, whichever occurs first. The Government strongly encourages children to fulfill 1 year of National Youth Service (NYS) before entering the work force at the age of 16 or the Polytechnic School for Vocational Training, and it discourages public or private sector employment of workers under the age of 16. The Government sponsors apprenticeships and short-term (up to 6 months)

work programs for those who leave school and do not participate in the NYS. Children in these programs receive a training stipend which is below the minimum wage. The Government enforces child labor laws through inspections by the Ministry of Employment and Social Affairs.

e. Acceptable Conditions of Work

Seychelles has a complicated minimum wage scale, which is administratively regulated by the Government; it covers the public and state-owned sectors and differentiates among various job classifications. The Ministry of Employment and Social Affairs enforces minimum wage regulations. The official minimum wage is \$380 (1,900 Seychelles rupees) per month. Trade unions contend that government entities pay some workers at less than the legal minimum. Even with the free public services that are available, primarily health and education, independent labor unions dispute that a single salary at the low end of the pay scale provides a worker and family with even a Spartan standard of living.

Many families deal with the high cost of living by earning two or more incomes, although the number of households with two persons employed has reportedly dropped to 30 percent. In recent years, there has been a growing trend in government policy to admit foreign workers, primarily from India and elsewhere in Asia, to work in the construction and commercial fishing sectors. Although it is difficult to determine the living and working conditions of these workers, there is strong evidence that the labor laws are routinely flouted by their employers with the Government's knowledge. These workers are paid lower wages and forced to work longer hours than Seychellois, sometimes with the express consent of the Government.

The legal maximum workweek varies from 45 to 52 hours, depending on the economic sector, while government employees work shorter hours. Each full-time worker is entitled to a half-hour break per day and a minimum of 21 days of paid annual leave. Workers are permitted to work overtime up to 60 additional hours per month. The Government generally enforces these ceilings. Foreign workers do not enjoy the same legal protections.

The Government issued comprehensive revised occupational health and safety regulations in October 1991. The Ministry of Employment and Social Affairs has formal responsibility for enforcing these regulations; however, the Ministry of Health seeks a role in this area. An ILO team which visited in early 1995 found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts. Occupational injuries are most common in the construction, marine, and port industries. A worker who removes himself from a potentially dangerous situation on the job is considered to have resigned. Safety and health inspectors rarely visit job sites. In 1994 there were 4 deaths and 162 on-the-job injuries officially reported. In 1995 there were two deaths and 57 on-the-job injuries. The Ministry had not released later statistics by year's end.

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